

## REMARKS

The final office action of December 19, 2003 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 1 through 36 remain in this case, claim 33 being amended and claims 35-36 being added by this response. No new matter was introduced.

### Preliminary Comments

The numbered paragraphs below correspond to the numbered paragraphs in the Office Action.

### Rejection under 35 U.S.C. §102

3. Claim 33 was rejected under 35 U.S.C. 102(b) as being anticipated by Mori *et al.* (U.S. Patent No. 5,187,887). Applicants respectfully disagree with the rejection.

Amended claim 33 claims, in part, a saddle fitting, such that "the inside diameter of said saddle fitting is in contact with the outside diameter of said pipe, tube, or conduit".

An integral part of the Mori *et al.* invention is that the lugs (2) clip onto the conductive sleeve (T' and E) (which is not cylindrical in shape) at the end of the wire, not to the wire itself. The preferred embodiments have lugs with inner diameters varying along the length of the clip to clip onto the conductive sleeve. All of the embodiments have a protrusion (1a) from the back of the main plate (1) and complementary to the groove in the conductive sleeve. Mori *et al.* state: "The protrusion 1a prevents removal of the tab from the wire end" [column 5, lines 38-40]. It is not disclosed that the labeler can be placed anywhere on the wire other than on the conductive sleeve, and the tab clearly inhibits placement of the labeler on the wire itself. Another integral part of the invention is the use of an apparatus, shown in Figures 15A-E and Figures 16A-B, to put the labeler onto the wire end. Mori *et al.* do not disclose that the labeler can be directly applied to the wire or wire end, nor that it can be applied to the wire or wire end without the use of the apparatus. Mori *et al.* do not disclose a saddle fitting, such that "the inside diameter of said saddle fitting is in contact with the outside diameter of said pipe, tube, or conduit".

Amended claim 33 claims, in part, "a section of a circle having a gap measuring between 50° and 180°".

Mori *et al.* disclose a gap between the lugs, as shown in Figures 1, 5, 7, 10, 13, 15A-F, 17, 22, and 24, of no more than 30 degrees. The gap in Figure 22 overlaps itself and is effectively 0 degrees. Mori *et al.* do not disclose, teach, or suggest a gap larger than 30 degrees, nor do they teach or suggest a reason to make the gap larger than 30 degrees. Mori *et al.* do not disclose "a section of a circle having a gap measuring between 50° and 180°".

Mori *et al.* do not disclose each and every element of Applicants' independent claim 33. Therefore, it is respectfully suggested that the rejection of independent claim 33 as being anticipated by Mori *et al.* is overcome. Dependent claim 35, being dependent upon and further limiting independent claim 33, should also be allowable for that reason, as well as for the additional recitations it contains. Reconsideration and withdrawal of the rejection are respectfully requested.

Furthermore, Mori *et al.* do not teach or suggest "a section of a circle having a gap measuring between 50° and 180°", nor do they teach or suggest any reason or advantage to have a gap larger than the disclosed 30-degree one.

In anticipation of examination of the present invention with regard to the prior art wire/cable clip from page 373 of Grainger General Catalog No. 380, copyright 1991, submitted herewith in a supplemental information disclosure statement, Applicants note the differences between the claimed present invention and this prior art. The prior art wire/cable clip has a flat surface attached to a saddle fitting. The wire/cable clip allows a wire or cable to be mounted to a support surface, such as a wall, ceiling, or beam. The saddle fitting clips over a wire or cable. The clip has an "adhesive backing", meaning that the flat surface has an adhesive coating, so that the flat surface is affixed to a support surface.

Amended claim 33 claims, in part, "a section of a circle having a gap measuring between 50° and 180°".

The design labeled as "C" in the Grainger catalog has a gap measuring between 45 and 50 degrees. Designs "A" and "B" have smaller gaps. The Grainger clip does not disclose "a section

of a circle having a gap measuring between 50° and 180°. Thus, the Grainger clip does not disclose each and every element of Applicants' independent claim 33, and therefore the Grainger clip does not anticipate Applicants' independent claim 33.

Amended claim 33 claims, in part, a "labeling device" comprising "a sign plate that includes a flat surface".

Furthermore, the Grainger clip is non-analogous art and does not render the present invention obvious. The Grainger clip is a support clip for supporting wires or cables. The flat surface is covered with an adhesive, making useage of the flat surface as a sign plate impossible. An installed wire clip is affixed to a support surface by the adhesive on the flat surface, so that there would be no motivation to use the Grainger clip as a labeler. The Grainger clip would most likely be classified under 248/72, 248/74.1, or 248/74.2 as a support for a pipe or cable by the USPTO. The present invention would most likely be classified under 40/658, 40/666, or 40/316 as a card, picture, or sign exhibiting a check, label, or tag by the USPTO.

### **Conclusion**

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:

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